REMARKS

Claims 1-36 are currently pending in the application. Of those, claims 8-15, and 34-36 were withdrawn from consideration following a restriction requirement. Therefore, claims 1-7 and 16-33 are currently under consideration.

The Examiner's withdrawal of the rejections under 35 U.S.C. 112 is acknowledged with appreciation, as well as the rejections under 35 U.S.C. 102 and 35 U.S.C. 103 based on the Heiman, Otto, & Willbanks references. The Examiner entered new rejections which will be discussed below.

Claim 5 was rejected under 35 U.S.C. 112, second paragraph as being indefinite. Specifically, the Examiner objected to the term "broken filament yarns," stating that "it is unclear what the Applicant means by 'broken filament yarns'". The Examiner's attention is directed to page 9, lines 9-10 of the originally filed application which state "as will be appreciated by those of ordinary skill in the art, broken-filament yarns are processed such that some of loops formed in air jet texturing are broken." Therefore, it is maintained that the recitation "broken filament yarns" is sufficiently defined within the specification and would readily be appreciated by those of ordinary skill in the art. Therefore, it is respectively requested that the rejection be withdrawn.

Claim 16, 29, 30, 31, 32, and 33 were rejected under 35 U.S.C. 102 (b) as being anticipated by Merriman (1,987,858). Specifically, the Examiner stated that "Merriman discloses a woven fabric made from artificial silk threads which is subjected to a napping machine to produce a soft, velvet-like surface on the fabric", "a woven fabric having a jacquard or figured design"," filling threads with a high filament content", "warp threads made from staple fibers", and that "the filament in the filling yarns are broken during the napping process to produce a desired napped [sic] without weakening the thread." From this the Examiner concluded that "the face of the fabric will inherently have regions which have the same hand on the face and back of the fabric." Furthermore, the Examiner

rejected claims 29 and 30 along with claim 16, "since the limitations that the fabric is napery or a curtain are viewed as intended use since claims 29 and 30 fail to add any further structure to the fabric."

The Applicants respectively disagree with this characterization of the Merriman reference. There is no teaching of napping both surfaces of the Merriman fabric. For example, see page 2, column 1, line 56-58 of Merriman which recites "a nap on the surface of the cloth." (*emphasis added*) Furthermore, even assuming arguendo that the Merriman napping process was applied to both surfaces of the Merriman fabric, Applicant's claimed invention would still not be achieved. As appreciated by those of ordinarily skill in the art, fancy weave fabrics are formed by alternating regions where the warp and filling are predominate in a pattern. Therefore, simply using a mechanical napping process (which would involve the use the of napping wires on the fabric) would not result in the fabric having the same surface roughness on each of the face and back, since on one surface the napping would be done on primarily warp yarns and on the opposite surface, primarily on filling yarns. Therefore, it is respectively requested that the rejection be withdrawn.

Furthermore, with respect to claims 29 and 30, Applicant disagrees with the Examiner's disregarding of the features of the item of napery and curtain. Merriman fails to teach these items and as will be appreciated by those of ordinary skill in the art, napery items are items such as tablecloths and napkins and curtains are items to be hung along a window or other opening. Therefore, even if a fabric were known, it would not necessarily be obvious or inherent that it would be used to form these specific products.

Claims 1-7 and 17-28 were rejected under 35 U.S.C. 102 (b) as anticipated by or, in the alternative, under 35 U.S.C. 103 (a) as obvious over Merriman. Specifically, the Examiner acknowledged that Merriman does not teach the limitations of tensile strength, shear stiffness, SMD surface roughness,

and Kawabata System MIU, but concluded that "it is reasonable to presume that said limitations are inherent to the invention." The Examiner stated that "support for said presumption is found in the use of similar materials (i.e. jacquard fabrics having spun yarns and filament yarns" and in the similar production steps (i.e. napping the surface of the fabric) used to produce the napped fancy weave fabric." As noted previously, Merriman simply discloses a conventional napping process, which involves contacting the fabric surface with plurality of wires designed to pull certain fibers loose from the fabric surface. As further noted above, Merriman fails to disclose or suggest napping of both surfaces of the fabric and the napping process described by Merriman would not achieve the characteristics of the similar surface roughness between the face and back of the fabric that is achieved by the claimed invention.

Claims 1-7 and 16-33 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Collier (5,487,936). The Examiner stated that "Collier discloses a textile fabric which can be used for furnishing fabrics, bed linen, and table linen", with a fabric comprising "a first and second yarns wherein one is a multifilament yarn and the other is a spun fiber yarn", and that "the fabric can be made by weaving using dobby or jacquard capabilities." The Examiner further states that "Collier teaches that the fabric can be mechanically finished by processes including brushing, raising, sanding, peaching, or sueding" , and that "these processes would break the fibers on the surface of the fabric and produce a pile surface which has a softer hand and improved insulation properties." The Examiner acknowledges that Collier does not explicitly teach that the mechanical finishing is performed on both sides of the fabric, but concludes that "it would have been obvious to one of ordinary skill of the art to sand or suede both sides of the fabric so that both sides would have a softer feel and a textured appearance produced by the sanding process." Furthermore, the Examiner concluded "both the front and back face of the fabric would have the same hand, surface roughness, and Kawabata System MIU" and that "it is reasonable to

presume that said limitations [surface roughness, Kawabata System MIU, tensile strength, and shear stiffness] are present in the invention taught by Collier."

As was noted previously with respect to the Merriman rejection, Collier likewise teaches conventional napping type processes. There is no disclosure or suggestion of providing a fabric which has substantially the same surface roughness on both sides of the fabric, nor would the mechanical finishing operations described by Collier even achieve those features. Therefore, it is respectively requested that the rejection be withdrawn.

Applicants respectively submit that the claims are in condition for allowance, and a notice to that effect is earnestly solicited. Should the Examiner find that any issues remain outstanding following consideration of this Response, she is invited to telephone the undersigned in the interest of resolving such matters in an expedient manner.

Respectfully submitted,

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